

Serial No. 09/932,459  
Amdt. dated June 1, 2005  
Reply to Office Action of February 4, 2005

Docket No. HI-0035A

### **REMARKS/ARGUMENTS**

Claims 11, 30-39, 41-52 and 54-55 are pending in the present application. By this Amendment, claims 11, 30, 33, 37, 41, 43, 46, 50, and 54 are amended, and claims 1-10, 12-29, 40 and 53 are canceled without prejudice or disclaimer.

The drawings and claim 11 stand objected to based on informalities. Submitted herewith are replacement sheets for Figures 1-6 and claim 11 has been amended. Withdrawal of these objections is respectfully requested.

Claims 1-12 stand previously rejected under 35 U.S.C. §101. A Petition was filed on May 24, 2005 to convert this application to a Continuation-In-Part (CIP) application of co-pending Application No. 09/863,400. If that Petition is granted, this application will be pursued in lieu of Application No. 09/863,400, and this rejection is no longer applicable and moot.

The 35 U.S.C. §103(a) rejection of claims 1-2, and 12 based on a combination Abrol (U.S. Patent No. 6,507,582) and Chang et al. (U.S. Patent No. 6,665,313) and claims 5-6 and 9-10 based on Abrol and ETSI EN 301 349 v7.5.0 (2000-07) is moot because those claims have been canceled. Further, the 35 U.S.C. §103(a) rejection of claims 13-55 based on a combination of ETSI TS 125 322 v3.1.2 (2000-01) and EN 301 349 v7.5.0 is respectfully traversed.

The combination fails to establish a prima facie case of obviousness, as required under Section 103. The alleged combination fails to disclose or teach the step of or the means for including a second indicator into a following data unit of the lower layer when an end of the last

segment of the data unit of the upper layer is included within the current data unit of the lower layer and a first indicator indicating the end of the last segment of the data unit of the upper layer is not included within the current data unit of the lower layer, wherein the second indicator indicates that the end of the last segment of the data unit of the upper layer is included within the current data unit of the lower layer, and the combination thereof, as recited in independent claim 30 or independent claim 43, respectively.

For example only, the second LI is inserted into the next PDU when the end of last segment of the SDU is included in the next PDU, as described in the specification. Because the next PDU does not have the first LI, waste of radio resources can be prevented and overhead required for processing unnecessary LI can be reduced, both problems and solution thereof which were discovered by the present inventors.

TS 125 322 v.3.1.2 teaches a length indicator (hereinafter, referred to as 'second LI') in the next PDU indicating that the end of last segment of the SDU exactly matches at the end of the current PDU even though the current PDU has a length indicator (hereinafter, referred to as 'first LI') indicating the end of the SDU. The prior art in TS 125 322 v.3.1.2 has the same problem that the second LI is unnecessarily inserted into the next PDU, which includes unnecessarily overlapped information thereby wasting radio resources, similar to the problems discovered by the present inventors.

EN 301 349 v.7.5.0 does not teach the claimed features found lacking in TS 125 322

v.3.1.2. EN 301 349 v.7.5.0 discloses various length indicators, but there is no LI having same features of the second indicator of the claimed invention. In section B.2 Example 2, Fig. B.2, the function of 'Length indicator=0' in the RLC data block N is used to indicate that the LLC PDU does not end within the current RLC data block. On the contrary, the second indicator of the claimed invention indicates that the end of last segment of the data unit is included within the current data unit.

In section B.7 Example 7, Fig. B.7, the 'Length indicator=0' in the RLC data block N can be omitted when LLC PDU1 begins in the RLC data block N and continues to the next one. In section B.2 Example 2, Fig. B.2, the 'Length indicator=0' in the RLC data block N cannot be omitted since LLC PDU1 does not begin in the RLC data block N. On the other hand, the second LI of the present invention can be omitted when the end of last segment of the SDU is included in the current PDU and when the current PDU has the first LI. Both the function of 'the Length indicator=0' and the purpose for omitting 'the Length indicator=0' are different and opposite from those of the second LI in the present invention

It is respectfully submitted that EN 301 349 v.7.5.0 teaches away, and there is no motivation to combine with TS 125 322 v.3.1.2 other than impermissible hindsight. Hence, withdrawal of the section 103 rejection is respectfully requested.

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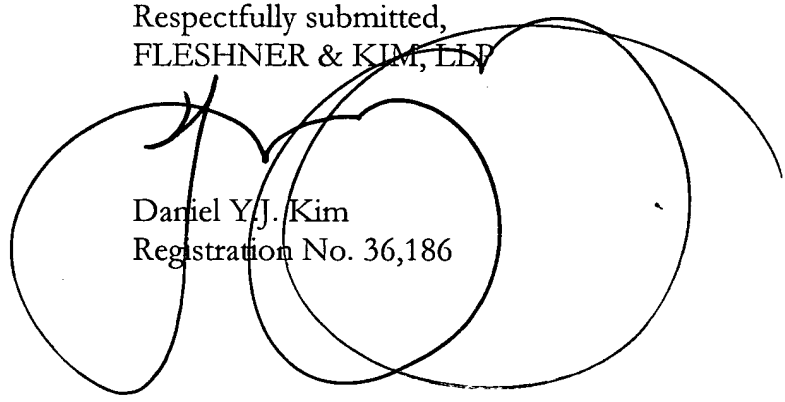
**CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP

Daniel Y.J. Kim  
Registration No. 36,186

A large, stylized handwritten signature in black ink, consisting of several overlapping loops, is written over the typed name and registration number.

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3701 DYK/cah  
**Date: June 1, 2005**

**Please direct all correspondence to Customer Number 34610**

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**Amendments to the Drawings:**

The attached drawings includes changes to Fig. 1-7. This sheet, which includes Fig. 1-7, replaces the original sheet including Fig. 1-7.

Attachment: Replacement Sheets (Figs. 1-7)